

REMARKS

In a first Office Action dated June 18, 2007, the Examiner has rejected Claims 1, 7, 8, 14, 15 and 21 under 35 USC § 102(b) as anticipated by USPN 7,185,071 issued to Berg et al. ("Berg"). The Examiner has rejected Claims 2, 3, 4, 6, 9, 10, 11, 13, 17 and 18 under 35 USC § 103(a) as unpatentable over Berg in view of USPN 7,181,731 issued to Pace et al. ("Pace"). The Examiner has also rejected Claims 5, 12 and 19 under 35 USC § 103(a) as unpatentable over Berg in view of USPN 7,093,247 issued to Ashworth et al. ("Ashworth").

In this response, Applicant respectfully traverses the rejection of the claims. Applicant requests reconsideration of Claims 1-21 in view of the amendments to the claims and arguments as set forth in detail in the following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 102

With reference to Claims 1, 7, 8, 14, 15 and 21, the Examiner asserts that the Berg reference anticipates all of the limitations of those claims. Applicant disagrees. Nevertheless, in order to advance the prosecution of the application, Applicant has amended independent claims 1 and 15 to more particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. Support for the amendments is found throughout the specification and drawings. Claim 1, as currently amended, reads as follows:

1. A method for starting a group of enterprise servers comprising:
comparing binaries and/or configuration settings stored within a
local file system of each enterprise server with binaries and/or
configuration settings stored within a central database accessible to the

group of enterprise servers to identify any binaries and/or configuration settings stored within the local file system which are out-of-date as compared to the binaries and/or configuration settings stored within the central database;

if the binaries and/or configuration settings stored within the local file system are out-of-date as compared to the binaries and/or configuration settings stored within the central database, then updating the binaries and/or configuration settings from the central database to the local file system prior to starting each enterprise server; and

starting each enterprise server using the updated binaries and/or configuration settings.

The Berg reference discloses what appears to be a method for rolling back to a previous version of an application configuration on a given application server machine, such as when a faulty version of a module is discovered and it is necessary to quickly roll back to a previous version to minimize downtime. The rolling back is achieved through the use of snapshots of an application configuration version that comprises pointers to the various elements that make up the versions so that a current version can be rolled back to a previous version. Rolling back to a previous version involves restarting the application using the information provided in the snapshot.

In making the rejection, the Examiner appears to be equating deployment descriptors that contain the instructions for how to deploy an enterprise program as described in Berg with the binaries and configuration settings as recited in the claims of the present application. Applicant submits that the deployment descriptors are, at best, configuration settings, but do not disclose the binaries recited in the claims. Even if they did disclose the binaries, the Examiner has failed to show that Berg discloses a group of

enterprise servers and a central database accessible to the group of enterprise servers and whether the binaries and configuration settings in local file systems of each of the enterprise servers are compared to those stored in a central database to determine whether they are out-of-date.

Accordingly, Applicants submit that independent Claims 1, 8 and 15 are patentably distinguishable over Berg and, therefore, allowable. The dependent claims that were rejected as anticipated by Berg, namely Claims 7, 14 and 21 are allowable because they depend from allowable independent Claims 1, 8 and 15, and because of their additional limitations. Consequently, consideration and allowance of Claims 1, 7, 8, 14, 15, and 21 is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 103

With reference to the remaining dependent Claims 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 17, 18 and 19 Applicants submit that they are allowable because they depend from allowable independent Claims 1, 8, and 15, and because of their additional limitations. Consequently, consideration and allowance of Claims 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 17, 18 and 19 is respectfully requested.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, Claims 1-21 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: September 18, 2007

/Donna Jo Coningsby/
Donna Jo Coningsby
Reg. No. 41,684
Attorney for Applicant(s)

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(503) 439-8778